



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2682
www.raleighnc.gov

Case File: A-131-17

Property Address: 2449 Lynn Road

Property Owner: America's Home Buyers, Inc.

Project Contact: Tobias Coleman

Nature of Case: A request for a request a 38.5' variance (for the western property line) and a 19.9' variance (for the southern property line) from the 50' Zone B Use restricted area requirements of the Neighborhood Transitions set forth in Article 3.5 of the Unified Development Ordinance in order to allow an office building to locate within 11.5' of the western property line adjacent to a residential zoning district and within 30.1' of the southern property line adjacent to a residential zoning district on a .36 acre parcel zoned Office Mixed Use-3-Conditional Use and located at 2449 Lynn Road.

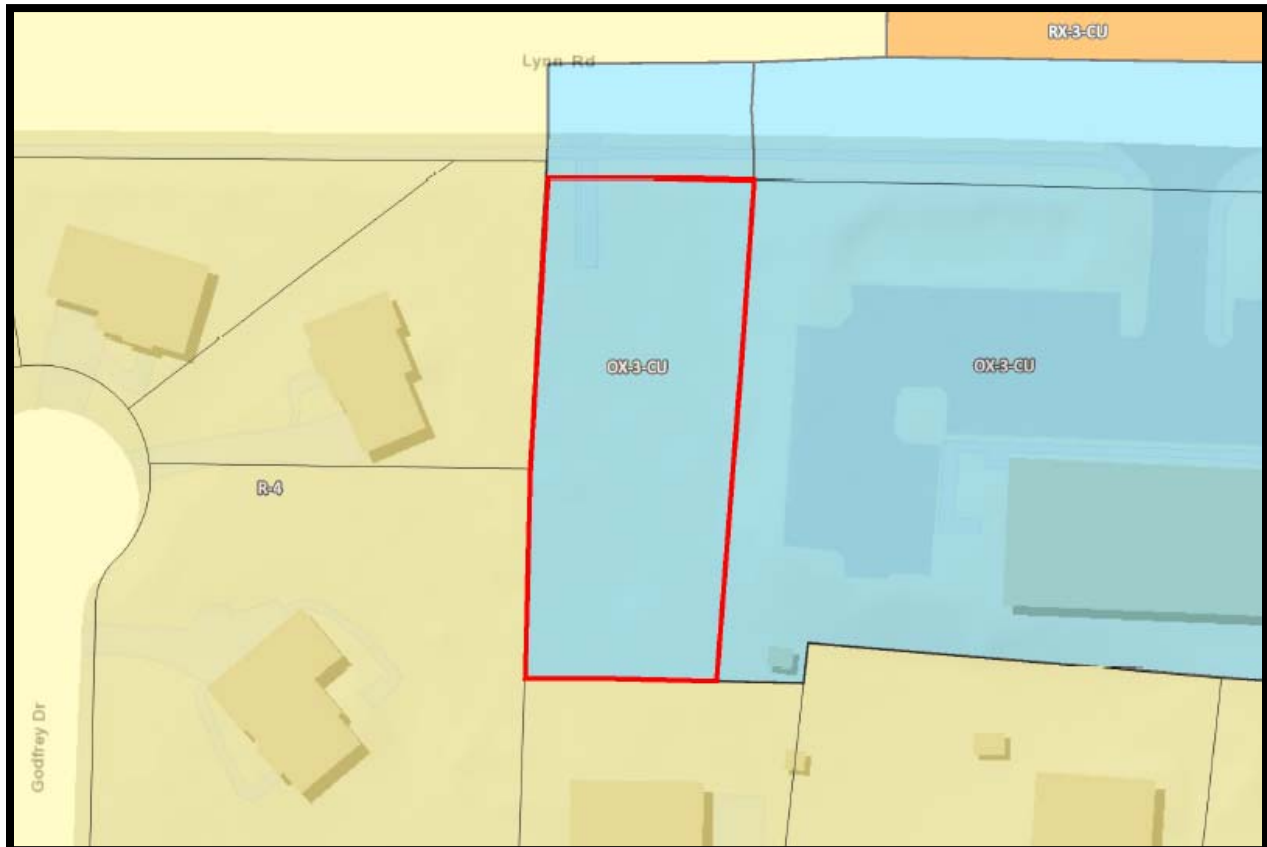


2449 Lynn Road – Location Map

To BOA: 10-9-17 (A-118-17 approved for lesser request), 12-11-17

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Office Mixed-Use-3-Urban Limited (OX-3-UL)



2449 Lynn Road – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions

that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Setback Standards: The subject property is zoned OX-3-CU

Yard Type	Minimum Setback
Front Yard	0'
Side Street	0'
Side	0'
Rear	0'

Z-7-09 - Conditional Use Lynn Road - located on the south side of Lynn Road, southwest of its intersection with Creedmoor Road, being Wake County PIN(s) 0797-14-32-9768 and 0797-14-32-9727. Approximately 0.361 acres rezoned to Office & Institution-1 Conditional Use District.

Conditions Dated: 09/18/08

Narrative of conditions being requested:

#1 Non-residential buildings on property shall be limited to a maximum of forty feet (40 ft) building height

#2 Any building constructed on site shall have a roof pitch with a minimum slope of 6:12

#3 Exterior building and parking lot lights shall be of full cut-off (shielded) design and be a maximum of twenty feet (20ft) in height outside of protective yards and a maximum height of 12 feet within protective yard areas.

#4 Vehicular access from Lynn Road will be limited to one access point

#5 The subject property if developed for residential purposes will be limited to a maximum of 4 residential dwelling units

Sec. 3.5.1. Applicability

- ### Sec. 3.5.2. Transition Zones

1. Intent

Intended to buffer and screen. Consists of vegetative landscaping and wall or fence. No buildings or structures allowed.

2. Location

Immediately abutting district boundary line.

3. Width

Varies (depends on protective yard type applied).

1. Intent

Intended to be occupied by open areas and low intensity uses, such as surface parking, alleys, landscaping, playgrounds, outdoor dining, community serving buildings and service-related structures.

2. Location

Located between Zone A and Zone C, Zone B starts at the inside edge of the Zone A protective yard (edge furthest from the district boundary line) and extends 50 feet from the district boundary line.

3. Width

50 feet from the district boundary line.

C. Zone C: Height and Form

1. Intent

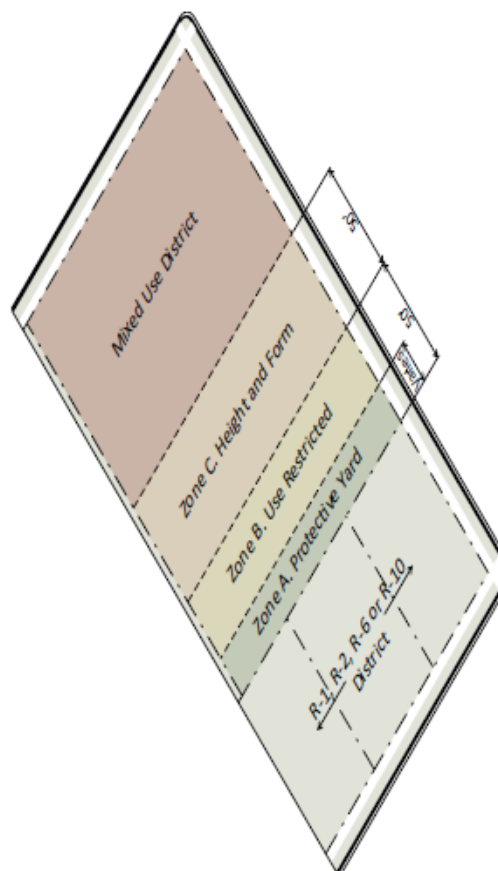
intended to restrict the height and form of development so as to decrease the impact of new multi-story structures.

2. Location

Located beyond and adjacent to Zone B, Zone C extends from 50 to 100 feet from district boundary line. When Zone B does not exist, Zone C starts at the inside edge of the Zone A protective yard (edge furthest from the district boundary line).

3. Width

50 to 100 feet from the district boundary line. When Zone B does not exist, Zone C extends a maximum of 50 feet from inside edge of the Zone A protective yard (edge furthest from the district boundary line).



Sec. 3.5.3. Zone A: Protective Yard

A. Type 1: Narrow (10 feet)

1. Width

A Type 1 protective yard must be an average width of at least 10 feet.

2. Installation Requirements

A Type 1 protective yard must include the following:

- a. A wall between 6.5 and 9 feet in height;
- b. Four shade trees per 100 lineal feet;
- c. Three understory trees per 100 lineal feet; and
- d. 40 shrubs per 100 lineal feet.

B. Type 2: Medium (20 feet)

1. Width

A Type 2 protective yard must be an average width of at least 20 feet.

2. Installation Requirements

A Type 2 protective yard must include the following:

- a. A wall or fence between 6.5 and 9 feet in height;
- b. Five shade trees per 100 lineal feet;
- c. Four understory trees per 100 lineal feet; and
- d. 30 shrubs per 100 lineal feet.

C. Type 3: Wide (50 feet)

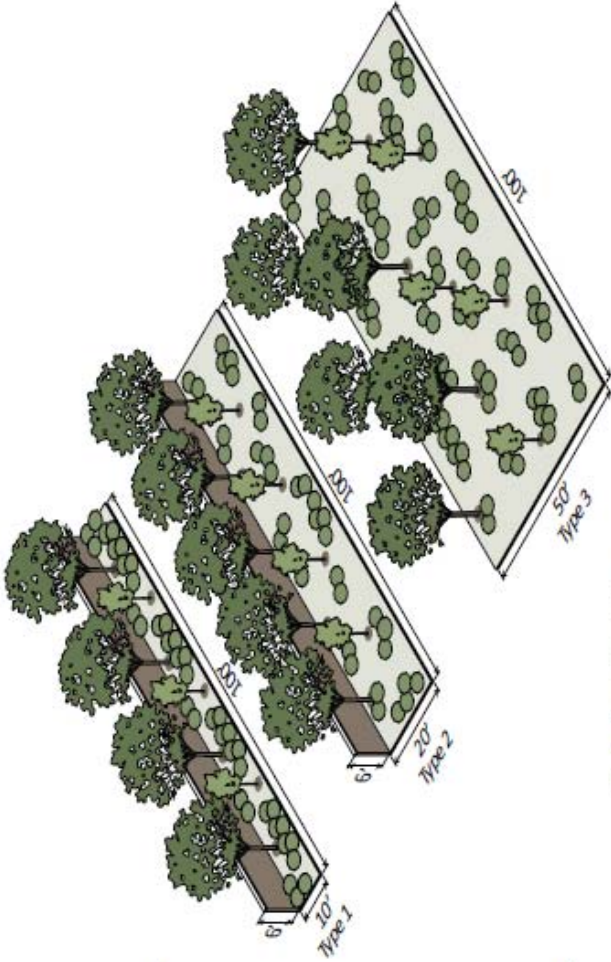
1. Width

A Type 3 protective yard must be an average width of at least 50 feet.

2. Installation Requirements

A Type 3 protective yard must include the following:

- a. Six shade trees per 100 lineal feet;
- b. Five understory canopy trees per 100 lineal feet; and
- c. 60 shrubs per 100 lineal feet.



3. Optional Provisions

- a. A fence or wall between 6.5 and 8 feet in height may be installed.
- b. In lieu of planting required shrubs, a berm with a minimum height of 3 feet may be installed.

4. Permitted uses

- a. Landscaping, fences, walls and berms.
- b. Swales, underground detention facilities and bioretention facilities. Detention facilities must be located at least 20 feet from the district boundary line. Landscaping quantities specified in Sec. 3.5.3.C.2. above may not be reduced.

D. Design and Installation

- 1. A required protective yard may be replaced with a tree conservation area that meets the requirements of *Article 9.1. Tree Conservation*.
- 2. Required landscaping in a protective yard must meet the design and installation requirements of Sec. 7.2.4.

3. In no case shall required landscaping exceed 30% of the total lot area, see Sec. 7.2.2.D.
4. Protective yards must meet the location requirements of Sec. 7.2.4.C.
5. Fences, walls and berms located in a protective yard must meet the requirements of Sec. 7.2.4.D. Fences, walls and berms cannot be located in a protective yard when the protective yard is also a tree conservation area.

Sec. 3.5.4. Zone B: Use Restrictions

A. Permitted Activity

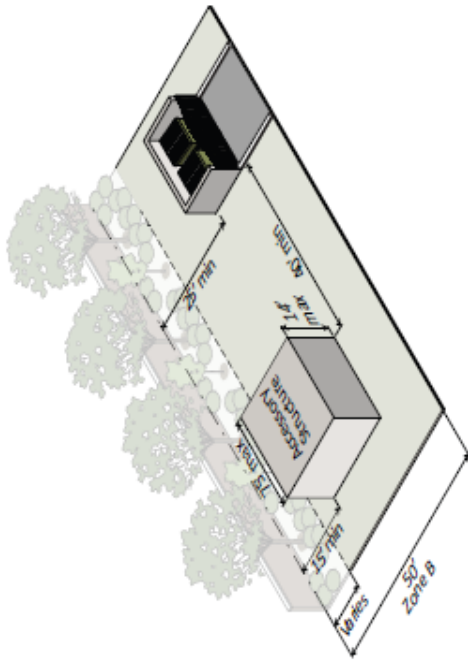
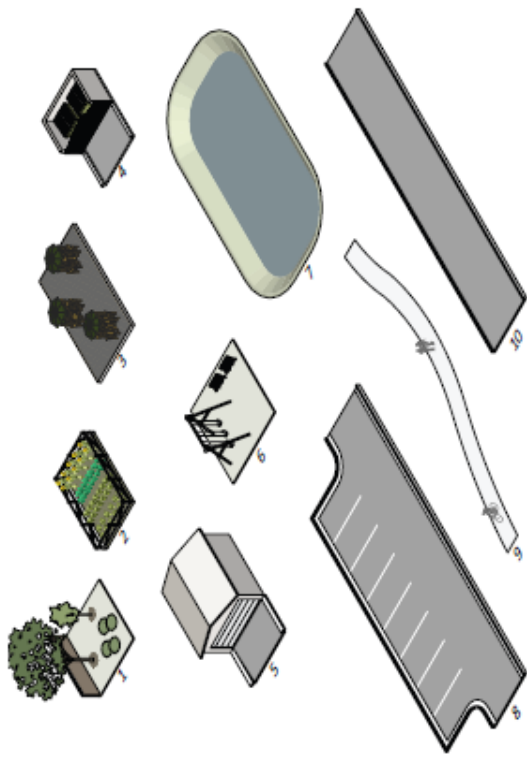
1. Protective yard, landscaping, fence, wall.
2. Garden.
3. Outdoor dining (not between the hours of 10 PM and 6 AM).
4. Service area.
5. Accessory garage, storage area.
6. Park, playground.
7. Stormwater detention.
8. Surface parking lot.
9. Path, walkway, sidewalk.
10. Alley.

B. Civic Building and Accessory Structures

1. An accessory structure can be no more than 14 feet in height and must be located at least 15 feet from the district boundary line.
2. Building walls parallel to the district boundary line can be no longer than 75 feet.
3. Buildings and structures must be spaced apart to maintain views. There must be a minimum of 40 feet between buildings and structures.

C. Service Areas

Trash collection, trash compaction, recycling collection and other similar service areas must be located at least 25 feet from the district boundary line.



Sec. 3.5.5. Zone C: Height and Form

A. Permitted Activity

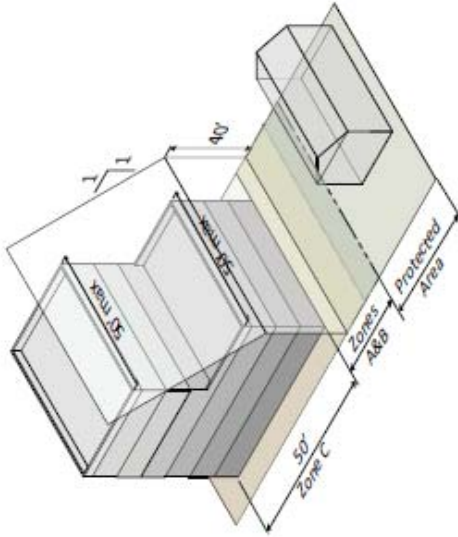
All structures and uses allowed in the zoning district are permitted in Zone C.

B. Height

1. No building or structure can be more than 40 feet in height at the Zone C line.
2. Height can increase subject to a 4.5 degree height plane measured from a height of 40 feet at the Zone C line, extending upward one foot for every additional foot of setback into the site.
3. The height plane applies up to 100 feet from the district boundary line.

C. Wall Articulation

The rear facade of the building that faces the residential property as described in Sec. 3.5.1.A. is subject to a maximum blank wall area of 30 feet as calculated in Sec. 1.5.10. The blank wall area provisions are not subject to an Administrative Alternate.



Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (If more space is needed, submit addendum on separate sheet): The Property Owner requests a variance granting relief from the Neighborhood Transitions Zone B use restrictions set forth in Article 3.5 of the Unified Development Ordinance in order to allow an office building to locate within 11.5' of the western property line adjacent to a residential zoning district and 30.1' of the southern property line on a 0.36 acre parcel zoned Office Mixed Use-3-Conditional Use and located at 2449 Lynn Road.	Transaction Number A-131-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number. A-118-17 (granted, allowed building within 19' of the western property line and 30.1' of the southern property line.)	

GENERAL INFORMATION	
Property Address 2449 Lynn Rd.	Date 11/3/17
Property PIN 0797329745	Current Zoning OX-3-CU
Nearest Intersection Lynn Road and Creedmoor Road	Property size (in acres) 0.36
Property Owner America's Home Buyers Inc.	Phone 919 255 0360 Fax
Owner's Mailing Address PO Box 99548, Raleigh, NC 27624-9548	Email hmarshall2@nc.rr.com
Project Contact Person Tobias R. Coleman, Smith Anderson	Phone 919-821-6778 Fax 919-821-6800
Contact Person's Mailing Address PO Box 2611, Raleigh, NC 27602-2611	Email tcoleman@smithlaw.com
Property Owner Signature	Email hmarshall2@nc.rr.com
Notary Sworn and subscribed before me this <u>11</u> day of <u>November</u> , 20 <u>17</u>	Notary Signature and Seal

SITE DATA SUMMARY	
PROJECT NAME:	ZACKERY MICHAEL OFFICE BUILDING
LAND OWNER:	AMERICA'S HOME BUYERS, INC.
SITE ADDRESS:	2449 LYNN ROAD RALEIGH, NC
JURISDICTION:	CITY OF RALEIGH
TOTAL AREA	15,734 S.F. / 0.361 AC.
TOTAL AREA R.O.W. OF DEDICATION	394 S.F. / 0.009 AC.
TOTAL AREA AFTER R.O.W. DEDICATION	15,341 S.F. / 0.352 AC.
REQUIRED T.C.A.:	0 AC.
CURRENT USE:	VACANT
PROPOSED USE:	OFFICE
ZONING SETBACK SUMMARY:	
PRIMARY STREET	5'
SIDE LOT LINE	0'/6'
REAR LOT LINE	0'/6'
TRANSITIONAL PROTECTIVE YARD	
ZONE A	10' OR 20'
ZONE B	50' (VARIANCE REQUESTED)
REQUIRED PARKING	12
PROVIDED PARKING	12



SCALE: 1" = 20'



NOTE- CONCEPTUAL PLAN REQUESTING VARIANCE FROM CURRENT UDO NEIGHBORHOOD TRANSITIONS

CONCEPTUAL SKETCH PLAN FOR:
ZACKERY MICHAEL

CONCEPTUAL SKETCH PLAN FOR:
ZACKERY MICHAEL OFFICE BUILDING

CLIENT: ZACKERY MICHAEL, INC.

THE SITE GROUP, PLLC.
1111 Oberlin Road
Raleigh, NC 27605-1126 USA
Office: 919.839.4787
Fax: 919.839.2255
E-Mail: ed@thesitegroup.net

REMSD:

DATE: 9/8/2017
JOB CODE: ZLMR
DRAWING NUMBER
EXHIBIT-2.0

Jeffrey L. Cutlip
6412 Godfrey Drive
Raleigh, NC 27612-6737

Charles T. Bullock
Shirley W. Bullock
6400 Godfrey Drive
Raleigh, NC 27612-6737

Glenda Card
6408 Godfrey Drive
Raleigh, NC 27612-6737

Janice Scott Johnson
2416 Hinton Street
Raleigh, NC 27612-6720

Merlin W. Sandel, Trustee
2609 Westmill Ct.
Raleigh, NC 27613-3692

Raymond E. Edwards, Jr.
Sandra M. Edwards
2605 Westmill Ct.
Raleigh, NC 27613-3692

Comma Alger Danieleley, Jr.
Patricia Danieleley
2601 Westmill Ct.
Raleigh, NC 27613-3692

Dwight Scott
Dwanna Scott
2412 Hinton Street
Raleigh, NC 27612-6720

Lynnbrooke Centre Condominium
Kimberly Development Group
8521 Wapello Ln
Raleigh, NC 27613-1267

Propriete LLC
9650 Strickland Rd. #103-156
Raleigh, NC 27615-1902

Darn Holdings LLC
2435 Lynn Rd, Ste. 106
Raleigh, NC 27612-6756

Young & Brovet NC LLC
2435 Lynn Rd, Ste. 200
Raleigh, NC 27612-6756

Homestead Harvest Holdings, LLC
3721 Graham Sherron Rd
Wake Forest, NC 27587-7851

Carolyn N. Padgett
2443 Lynn Road, Ste. 112
Raleigh, NC 27612-6759

ZA Properties LLC
P.O. Box 30697
Raleigh, NC 27622-0697

Hopson Investments LLC
209 Traditions Garden Ln.
Wake Forest, NC 27587-4792

Delta Commercial Properties LLC
6300 Westgate Road, Ste. A
Raleigh, NC 27617-4754

Four DS LLC
2443 Lynn Rd., Ste. 208
Raleigh, NC 27612-6759

GS Edinborough Commons, LLC
6421 Campus Drive
Raleigh, NC 27613-3840

Lop Associates LLC
2435 Lynn Road, Ste. 206
Raleigh, NC 27612-6756

Kenneth O. & Judith A. Tison
6312 Godfrey Dr.
Raleigh, NC 27612-6735

